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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/161,401    09/28/98    SUGIYAMA

M    862.2471

005514    TM02/0605  
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NEW YORK NY 10112

EXAMINER
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COLBERT, E	
ART UNIT	PAPER NUMBER

10

2172  
DATE MAILED:    06/05/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*[Handwritten signature]*  
File Copy

<b>Office Action Summary</b>	<b>Application No.</b> 09/161,401	<b>Applicant(s)</b> SUGIYAMA, MITSUMASA	
	<b>Examiner</b> Ella Colbert	<b>Art Unit</b> 2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-12, and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, and 14-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1,3-12, and 14-31 are presented for examination. Claims 2 and 13 have been canceled and claims 1, 3, 6, 7, 12, 14, 17, 18, 23, 24, 26, 27, 29, and 30 have been amended in this communication filed 03/19/01, entered as amendment A, paper number 10.
2. Claims 1, 4, 5, 12, 15, 23, 23, 26, and 29 still remain rejected under 35 U.S.C. 112 second paragraph.
3. Applicants' amendment to claims 7, 18, 24, 27, and 30 overcomes the rejection of claims 7, 18, 24, 27, and 30 under 35 U.S.C. 112 second paragraph, as set forth in paper number 7, is hereby withdrawn.
4. Applicants' cancellation of claims 2 and 13 have overcome the rejection of claims 2 and 13 under 35 U.S.C. 112 second paragraph, as set forth in paper number 7, is hereby withdrawn.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Amended claim 1 recites the limitation "correspond any of the attribute items of the second database" in line 2, page 3. Amended claim 12 recites the limitation "correspond any of the attribute items of the second database" in line 13, page 5. Amended Claims 23, 26, and 29 have a similar problem. The suggested claim limitation would be better recited as "correspond to any of the attribute items of the second database." These claims are unclear to the Examiner. There is insufficient

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antecedent basis for this limitation in the claim. Clarification in the claim language is required.

Claim 4, recites the limitation "contents thereof" in line 2, page 31. The limitation would be better recited as "contents." Claim 15 has a similar problem. Correction requested.

Claim 5, recites the limitation "in the predetermined format" on page 31, line 6 and "recovering the attribute information ... contents thereof indicated by the information" in lines 6-9, page 31 is unclear to the Examiner. Clarification and correction are requested.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhill et al (US 5,649,196), hereafter Woodhill.

With respect to claims 1, 12, 23, and 26, first copying means for copying data selected from a first database to a second database (**col. 2, lines 3-19**), ... determining if the attribute items of attribute information appended to the data corresponds to each of the attribute items of the second database (**col. 3, lines 64-67 and col. 4, lines 1-26 and lines 48-61**), and ... copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, ... to the predetermined attribute item of the second database (**col. 2, lines 20-38, col. 9, lines 49-67 and col. 10, lines 1-13**). Woodhill did not explicitly teach a

predetermined attribute item, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a predetermined attribute item because the data may represent regular data, attribute data, or a control list of data in a database.

With respect to claims 7, 8, 18, 19, 24, 25, 27, and 28, first copying means for copying data selected from a first database to a second database (**col. 2, lines 3-19**), ... determining if the attribute items of attribute information appended to the data can be set into the second database (**col. 3, lines 64-67 and col. 4, lines 1-26 and lines 48-61**) and ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a predetermined attribute item of the second database (**col. 2, lines 20-38 and col. 9, lines 49-67 and col. 10, lines 1-13**). Woodhill does not explicitly teach holding conversion information or a backup database, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have conversion information and a backup database to perform the first step of copying data because the information is converted from the first database to the second database and each first database or primary database has a corresponding mirror database for backup or archiving and recovering information when a computer system failure occurs.

With respect to claims 29-31, Woodhill did not teach a control program comprising a code for performing the steps of claims 1, 7, and 8 as recited in claims 29-31, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a control program comprising a code because the central processing unit (CPU) performs the functions of reading and executing the program codes and a storage medium such as a CD ROM, a hard disk, a floppy disk, optical disk, and magnetic tape provides the program codes.

With respect to claims 9 and 21, ... copying information of an attribute item determined by a determination means to be set in a second database to a corresponding attribute item in the second database and copying attribute information of the attribute not to be set in the second database to a predetermined attribute item of the second database (**col. 1, lines 27-45**).

With respect to claims 3, 10, and 14, ... copying the information of the attribute item does not correspond to any of the attribution items the second database to the predetermined item in a predetermined format indicating information of a mismatching attribute item (**col. 4, lines 12-44**). Woodhill did not explicitly teach a mismatching attribute item, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a mismatching attribute item because it is well known in the art when copying information of an attribute from a first database to a second database if the databases contain different information the attributes will not match. For example, if one database contains US patents and the other database contains Japanese patents, the patent numbers and the dates (attribute items) will not correspond (mismatched) when copied from the US patents database to the Japanese patents database.

With respect to claims 4 and 15, the predetermined format indicates an attribute item name and contents (**col. 3, lines 52-63**).

With respect to claim 5, ... the second copying means detects attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents indicated by the information (**col. 9, lines 36-67 and col. 10, lines 1-12**).

With respect to claims 6, 11, 17, and 22, Woodhill did not teach ... holding conversion information indicating a correspondence between attribute items of the first

and second databases and the determination means determines based on the conversion information if the attribute items of the attribute information appended to the data corresponds to each of the attribute items of the second database, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a holding means for holding conversion information because the information is converted from the first database to the second database during the recovery step and the attribute items are matched when they are copied to the second database. The attribute information and size of the database record is considered during the holding step of the conversion information.

With respect to claim 16, recovering the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step (**col. 10, lines 21-44**).

With respect to claim 20, the copying step includes the step of copying the attribute item and the attribute information to a predetermined attribute item in the second database (**col. 9, lines 36-44 and col. 14, lines 53-65**).

### ***Response to Arguments***

9. Applicant's arguments filed 03/19/01 have been fully considered but they are not persuasive.

With respect to Applicants' arguments: Woodhill does not teach or suggest a mismatching attribute item and Woodhill is believed not to teach or suggest converting each of one or more attribute items of a first database to an attribute item of a second database is not persuasive because the Examiner does not find these limitations in claims 1 and 8. Claim 1 does not recite, a mismatching attribute item or indicate a

mismatching attribute item in the claim language. Claim 8 does not recite, converting each of one or more attribute items of a first database to an attribute item of a second database. Therefore, these arguments are considered "moot."

The Examiner carefully drew up a correspondence of each of Applicants' claimed limitations, one or more referenced passages in Woodhill, what is well known in the art and what is obvious to one having ordinary skill in the art at the time the invention was made. By failing to address this column by column and line by line correspondence, Applicants' have failed to rebut the Examiner's *prima facie* case of obviousness.

The Examiner is entitled to give limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

*During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).<*

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Salkewicz et al (US 5,970,502) taught a first database and a second database and copying records from one database to another database.

Schwartz et al (US 5,047,918) taught attributes and data files.

Ogawa et al (US 5,608,874) taught data formats and the destination of data files.

Shimada et al (US 5,210,868) taught matching between databases and the attribute database not matching.

Lin et al (US 5,842,222) taught a primary database and a backup database.



11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on **Monday-Thursday from 6:30 am -5:00 pm.**

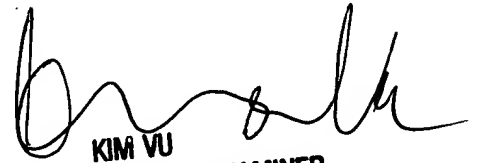
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-9051 for regular communications and 703-308-9051 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-96000.



E. Colbert  
May 29, 2001



KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100